United Nations A/HRC/30/NGO/68

General Assembly

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Human Rights Council
Thirtieth session
Agenda item 10
Technical assistance and capacity-building

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15038(E)

Please recycle

Situation in the Ukraine

While the government in Kiev is struggling to push for reforms in the sphere of human rights, civil liberties, good government and rule of law, it faces a situation of ongoing war in the Luhansk and Donetsk territories and the illegal annexation of Crimea by Russia.

The human rights situation in Luhansk and Donetsk is extremely worrying: Between 200,000 and 300,000 civilians still live close to the front line or in the contested area. According to estimates of human rights defenders there are 30,000 men fighting: pro-Russian fighters, regular Russian soldiers, volunteers from other countries, for example the „Interbrigada", a union of French, Checks, Slovaks and others nationals fighting for pro-Russian aims. The "Interbrigada's" headquarter is in Moscow.

Human rights defenders from this part of the country state that the big difference between coping with human rights violations in the east and the rest of Ukraine is that in the eastern part, there is no rule of law, there are no institutions where human rights violations will be registered and perpetrators will be brought to justice.

Torture is a big and wide spread problem. Human rights defenders estimate that 10,000-15,000 individuals were subjected to torture. Torture takes place in cellars, for instance in the cellar of the "University of Eastern Ukraine" in Luhansk.

Kidnapping is also prevalent: Svetlana Valko, human rights defender of the organization "International partnership for human rights", distinguishes between four types of kidnapping. The perpetrators are pro-Russian fighters:

- Ukrainian soldiers are kidnapped, tortured and mistreated. After an exchange of the men in question is arranged, they are treated slightly better.
- Civil society activists are kidnapped if they are perceived to be pro-Ukrainian. A system of denunciation has been established which poisons relationships between civilians in the Donetsk and Luhansk territory.
- People are kidnapped simply with the aim of extorting money.
- Civilians are held in cellars for disciplinary reasons, for example to punish them for not having respected the curfew of for not having greeted the pro-Russian fighters as they expect to be greeted.

Journalists have been kidnapped and held, for example Mariya Varfolomeeva. For over six months she has been in the hands of pro-Russian fighters who accuse her of taking pictures in Donetsk. She is threatened with 15 years of imprisonment in the self-proclaimed "Peoples´ republic of Luhansk". Here journalists have to work in a legal vacuum. In the self-proclaimed "Peoples´ republic of Donetsk" there are accreditation possibilities also for foreign journalists.

In the occupied territories the courts are not working. There are cases when three pro-Russian fights decide about life or death of a whole family as in the case of a family in the village of Peremozhnoe. The whole family was shot because the fighters believed them to support the Ukrainian army.

In Crimea, annexed by Russia in March 2014, the human rights situation has since worsened considerably. The main groups affected by human rights violations are Crimean Tatars and pro-Ukraine activists. The leaders of the Crimean Tatar national movement like veteran human rights defender Mustafa Dzhemilev and the president of the Crimean Tatar Medzlis, Refat Chubarov were banned from entering their homeland. Others were imprisoned, as Achtem Chijgoz, vice president of the Medzlis, who is held since January 29th without trial. Dozens of homes, mosques and schools were searched, young men disappeared, all public gatherings, for example the demonstration in commemoration of the deportation of the Crimean Tatars on May 19th were banned. The only Crimean Tatar TV Station, ATR was closed down on April 1st 2015. One has to conclude that the roughly 300,000 Crimean Tatars are systematically discriminated against and all public figures or persons who speak up openly for their rights are persecuted.

Also pro-Ukraine activists are persecuted against. Either they have already left Crimea peninsular, as many critical journalists and bloggers or they risk being punished. For instance three young people who gathered in Kerch on August 24th 2015, the Ukrainian day of independence, to show the flag of Ukraine, were taken to a police station even before they could unfold the flag. One of them has to spend 15 days in jail; the others have to pay 10,000 rubles. There are no international human rights monitoring mechanisms in place in Crimea. The only Russian-Ukrainian group, the "Field Mission Human Rights Crimea" was put on the "Patriotic stop list" by the upper house if the Russian parliament. Since then they have suspended activities.

Even though the government in Kiev is pushing for reforms in the human rights sphere, many decisions still need to be implemented. The police reform was a big step in the right direction but one has to pay special attention to torture in prisons and push through all instances, courts, public prosecutors, police, prison wards etc. a "zero tolerance" policy in respect to torture. Also the support and treatment of the internally displaced people needs to be improved immediately.

The Society for Threatened Peoples calls on the Human Rights Council to:

- take measures aimed at implementing the Minsk III agreement as the state of war leads to severe human rights violations and arbitrary violence against civilians in Donetsk and Luhansk.

- pressure the government of the Russian Federation to establish rule of law in the pro-Russian administrations of Luhansk and Donetsk

- ask the representatives of the Russian government to bring perpetrators from the ranks of pro-Russian fighters and regular Russian soldiers to justice.

- pressure the government of the Russian Federation to open Crimea to international human rights monitors.

- issue an invitation for Crimea for the special procedures of the Human Rights Council, as for instance the Special rapporteur on the rights of indigenous peoples.

- support the government of Ukraine in the important steps taken towards guaranteeing human rights for all citizens of Ukraine and end the use of torture in prisons.

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Human Rights Council
Thirtieth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 August 2015]

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Please recycle

Situation in Myanmar

In 2011, after 50 years of military dictatorship and isolation, Myanmar's military gov made way for a new, civilian one. The end of the military rule has not been due to the progressive work of pro-democracy forces or to the civil society but to the same military government which within one year decided for democracy. In 2011, Myanmar turning into a democracy was welcomed with enthusiasm and skepticism from the international community which, however, acknowledging the huge economic potential of the country hurried the lift of the sanctions that for fifty years had weighed on the country. Now after five years of transitional process and with the elections scheduled for November 2015, it is time to see where Myanmar is and where it is heading.

Since Thein Sein took the leadership of the country, many political reforms have been initiated, political prisoners including the Peace Nobel Laureate Aung San Suu Kyi have been released, forced labour has been banned and new laws have been implementing human rights in the country. Alongside with the political reforms, the new government has promoted the economic growth of the country, encouraging the investments of foreign countries.

At first glance, the transition from military rule to democracy Myanmar, albeit slow may seem constant. But that is not the case. The most recent example of this tendency is the removal from the leadership of the Union Solidarity and Development Party of U Shwe Mann, former general and friend/rival of President Thein Sein. Security forces and soldiers surrounded the headquarters of the party later at night and prevented members to go home.

The above mentioned episode is just the last of a long list of human rights abuses and violations. Fundamental for a transition are not just political and economic reforms but also the will of those who govern the country to support a culture of accountability and non-recurrence based on truth seeking, reparations and memorialization initiatives. In order to achieve those goals, Myanmar needs first of all solid legal bases which breaks with the past authoritarian authority. Unfortunately Myanmar's government so far has not heed that advice. The Constitution which is leading to the democratization has been endorsed during the military rule and it is not only providing the 25% of the Parliament seats to the military, it is also preventing any steps towards accountability for the crimes committed in the past. Indeed article 445 prescribes, that no proceeding shall be instituted against the Junta and against any member of the government when in execution of their duties.

Beside a Constitution which needs to be amended the Parliament has approved new laws that are violating international human rights standards and that are endangering the transitional process. The latest Marriage Bill, Religious Conversion Bill and Monogamy Bill, are three of the so-called "race and religion" laws that if signed into law by President Thein Sein will entrench discrimination based on sex, ethnicity and religion, and also violate internationally protected rights. Along with the laws it is important to take a look also to the political reforms. As mentioned above many political prisoners have been released. The creation of the Committee for Scrutinizing remaining political prisoners has led to the freed of more than 1,000 prisoners. However their place has been soon taken by new generations of political and human rights activists, land rights defenders and students who are now facing judicial harassment and prisons. The government which has promised the implementation of basic human rights such as the press freedom, freedom of association and of speech is often indulging in cracking down peaceful demonstration sometimes even through the use of chemical weapons. The justification of such a practice is the absence of the permission to demonstrate that is given, under the association law, by the authorities. It is interesting to note that such permission is always denied when it comes to human and land rights but is always given to nationalist and extremist who are fueling intercommunal violence between different ethnic groups. An example in this regard is the recent student protest in which the police and agents in plainclothes used batons, sticks, and other objects to attack student protesters and journalists covering the news but did not intervene in any of the spontaneous nationalist manifestations in Rakhine state against the Rohingya minority.

The situation of the ethnic and religious minority in the country is complicated and is driving Myanmar away from the path of transition. The ongoing armed conflict between the central government and the ethnic groups who are fighting for autonomy and self-determination from one side and the ethnic-religious problem in Rakhine state are posing a major obstacle to human and economic development. In Chin State, Kerenni (Kayah) State, Karen State, Mon State, Kachin State and Shan State the conflicts have displaced thousands of people. The awareness of impunity has brought the army to the perpetration of gross human rights violation against the civilians and especially towards women and girls. Rape and sexual violence are used in conflict zones as a tool of repression and Myanmar is not an exception. In January

2015, six months after signing the 'Declaration of Commitment to End Sexual Violence in Conflict', two female Kachin teachers, Maran Lu Ra (20 years old) and Tangbau Hkawn Nan Tsin (21 years old) from the Kachin Baptist Convention were brutally raped and killed by the Myanmar Army. At present, no investigation has been successful to identify the names of the perpetrators. The army is also preventing journalists to cover the news in the conflict areas, in a recent case the journalist Aung Kyaw Naing, also known as "Par Gyi" was arrested, tortured and killed by the army after completing a photo assignment on clashes between the military and the rebel Democratic Karen Benevolent Army (DKBA) in the east. So far, no military officials have been brought to account for his death.

In Rakhine State the Rohingya Muslim minority is living displaced in IDP camps or segregated in villages and in the Aung Mingalar ghetto in Sittwe. Considered as illegal migrants from Bangladesh the Myanmar government is denying them citizenship and it is gradually stripping the minority of their basic rights in what can be called an institutionalized apartheid. The Rohingya have no freedom of movement, they can't go to school, visit a hospital or even work, they are prisoners in their homeland. Since 2012 when the sectarian violence between ethnic Buddhist Rakhine people and Rohingya exploded the government has chosen to take the side of the extremists and has provided with laws and violence to the marginalization of the Rohingya. The Rohingya are victim of a state sponsored ethnic cleansing consisting in denial of livelihood, medical care, sexual abuses, arbitrary arrests and killings. The plague of the forced labor is also affecting the Rohingya. Although the implementation of the ILO's Forced Labor Convention in Myanmar the Rohingya are still target of the army which is exploiting and mishandling them. The Rohingya have most of the time no other choice than flee the country, according UNHCR in the first three months of 2015 more than 27,000 Rohingya have left Myanmar. The Southeast Asian countries are facing the arrival of thousands of refugees. Nevertheless, the government of Myanmar is refusing to take responsibility for their crimes and it is denying the existence of the Rohingya minority. Recently the government has declared not eligible for the 2015 election U Shwe Maung, a Rohingya an elected lawmaker and former member of Myanmar's governing party. The government has assured that the disqualification of U Shwe Maung is due to the lack of citizenship of his parents rather than to his ethnicity, a bit absurd because Shwe Maung father was a career-long officer in the national police force.

The disenfranchisement and the instrumentalization of ethnic and religious conflicts all over Myanmar are no longer tolerated by the civilians who are waiting for justice. Elections are three months away and the government has spent the last four years in creating a semblance of democracy where the military is still fighting for the supremacy.

Therefore Society for Threatened Peoples calls on the Human Rights Council to urge the government of Myanmar to:

- Amend the 2008 Constitution with special regards to Article 455.
- Adopt reconciliation policies and lead public information campaigns promoting tolerance and non-discrimination.
- Settle the basis of a dialogue between the different ethnic and religious groups in the country.
- Expand reparations and rehabilitations initiatives.
- Fairly and adequately investigate the crimes committed by the army in conflict zones.
- Facilitate the discussions about possible forms and pathways to justice and accountability.
- Guarantee the basic rights to the Rohingya minority through the restoration of their citizen rights.
- Guarantee fair and democratic elections.

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Human Rights Council
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Situation of indigenous activists

Coal, oil and water power fuel economic growth worldwide. For companies and governments, economic development oftentimes trumps environmental protection and human rights.

The first victims are often the approximately 450 million members of around 5,000 indigenous peoples. Their way of life is so interconnected with an unharmed environment that they have become the most dedicated environmentalists. According to an April 2014 report by the NGO "Global Witness", each week two environmental activists are murdered; 40 per cent of them are indigenous activists. The shadow figure is estimated to be much higher since many activists disappear in inaccessible areas and are never found.

The following three examples highlight the difficulties of indigenous activists. Of course they do not represent all the difficulties indigenous activists are facing today.

Indigenous activists in the Philippines
The decision by the government of the Philippines to declare 9 August to a "National Indigenous Peoples Day" is commendable. The 110 indigenous groups in the Philippines make up for 15 million of the total population of 102 million.

Yet there is no other country in Asia where so many indigenous activists pay for their activism with their life. Since 2010, 48 environmental activists were murdered in the Philippines. 30 of the 48 were indigenous activists. Between October 2014 and June 2015 alone, 23 indigenous environmental activists and leaders of traditional communities were murdered by death squads in the north of Mindanano because they campaigned against mining projects and for the protection of the environment.

The Lumad civilian population has been traumatized by the events. The village of Dao near th city of San Fernando in short succession lost two village chiefs: in 2012 village chief Jimmy Liguyon. His successor Fausto Bacliran was killed just a few months later. Despite a warrant against him, the one responsible for the killing of Jimmy Liguyon, a former rebel commander has not been apprehended.

The killing of the Catholic priest Fausto Tentorio on 17 October 2011 has not led to the apprehension of the alleged perpetrators.

The indigenous environmental activist Fausto Orasan was murdered on 14 September, 2014, near the city of Cagayan de Oro. Snipers shot him when he was on his motorbike driving through the village of Tuburan. The 64-year old human rights activist had been on his way to a meeting in Cagayan de Oro in order to mobilize against mining projects. There had already been an attempt to murder him the same year.

In Mindanao's south Lumad leaders also become victims of violence. The indigenous activist Ricky Basig was shot on his porch on 25 June, 2015.

Killing of Edwin Chota in Peru
Edwin Chota, the leader of the Ashaninka community Saweto, and three members of his community were found murdered on 1 September, 2014, in the rainforest. The widows and children of the four victims were forced to flee to the nearby town of Pucallpa. The illegal loggers have encircled the Ashaninka who stayed in Saweto and are threatening the indigenous community.

Chota had worked towards a legal protection of the territory of the Ashaninka and the protection of the forests for years. Just recently, he had made important progress which could have made it difficult for the timber mafia to access the area.

Chota had been on his way to the Brazilian Ashaninka community Apiwtxa on foot, together with Jose Rios Pérez, Leoncio Quinticima Melendez and Francisco Pinedo. Following the two-day march, they wanted meet up to develop a joint strategy against the threat posed by illegal logging and drug trafficking in their area. Chota was forced to seek protection on Brazilian territory before. His commitment had earned him powerful enemies. In 2012, he was threatened

already. In April 2013, he stated in an interview for National Geographic: "They threaten us. They intimidate us. They have guns".

Russia: the case of the "Chukotka Association of traditional hunters"

An example of the Russian "foreign agent law" concerns the association of hunters on Chukotka which aims to preserve the traditional way of life of the peoples of the North. There are only a few civil society initiative on Chukotka. The indigenous Chukchi people live from hunting and fishing. Their way of life is the basis of their culture and identity. In order to preserve this, they founded the "*Chukotka* Association of traditional hunters". This organization is the only one that receives foreign funding on Chukotka. Its chairman Eduard Zdor was invited to a meeting with representatives of the ministry of justice for 5 December, 2014. Zdor was warned that his association might be included in the list of "foreign agents". The case has not been resolved at this moment.

Society for Threatened Peoples calls on the Human Rights Council to call on all governments to respect the rights of indigenous peoples enshrined in UN Conventions and ensure their protection.

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Human rights bodies and mechanisms

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Please recycle

Peasants in crisis in India

Drought, crop failure, debts and land grabbing have caused a tremendous crisis among peasants in India. Farmers who are under distress because of the agrarian crisis are committing suicide. Since 1995 nearly 300,000 farmers in rural India have committed suicide by hanging themselves or by ingesting pesticides. The situation in Maharashtra state is especially dramatic with 60,000 suicides in the last 20 years. The suicide rate among Indian farmers is 47 percent higher than the national average. Each day, 41 farmers are committing suicide.

According to official Indian data about 52 percent of rural households are indebted. Farmers usually take out bank loans against land to buy seeds, fertilizer and irrigation equipment. Local money lenders often take the place of banks and boost interest rates, creating a debt-trap for the farmers relying on good weather and good crops to repay their loans. Many of these farmers are belonging to the discriminated indigenous Adivasi population.

Many people in rural areas in India are convinced that agriculture is no longer profitable. Every day some 2,035 Indian farmers are abandoning their job and seeking for jobs in the bigger cities. Some 70 percent of India's 1.2 billion people still are living in rural areas. An exodus of Indian farmers would cause tremendous harm and social problems. Indian human rights defenders and social movements are blaming the government for starting a war against peasants. Abusive new laws and development concepts are contributing to massive loss of land among Indian peasants. Due to pressure of social movements India had promulgated in December 2013 the "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Ordinance (RFCLARR)". The ordinance provided some protection to farmers by demanding social impact assessment studies before any land acquisition. Furthermore no irrigated multi-cropped land should be acquired in order to prevent an exodus of peasants and a reduction of agriculture production. The agricultural system in India is suffering from low efficiency. Despite the fact that agriculture is the largest employment sector of the country, it only contributes with 13.7 percent to the Gross Domestic Product of India. The new government, coming to power in March 2014, has changed its priorities and is focusing very much on more development and industrial growth. They are interested in attracting more foreign capital and investment to modernize infrastructure. Land is crucial for this new strategy, but land is life for the peasants. The new government has amended RFCLARR to facilitate development and has reduced the protection of rural landowners. This enables the authorities to take the land of peasants in cases of national interest without their consent. Some experts have been blaming the government to start a war against peasants.

In February 2015 peasant organizations have organized massive demonstrations to create more awareness for the crisis in rural India. During five days some 5,000 indigenous Adivasi farmers and landless laborers of more than 12 states marched from Northern India to the capital New Delhi to highlight their plight. Some 200 social organizations supported this campaign for land rights.

But human rights defenders, protesting against the official land acquisition policy and the denial of basic rights for peasants, are facing massive threats. On June 30, 2015, two leading Indian indigenous land rights activists have been arrested by the police in Uttar Pradesh State. Mrs. Roma Mallik, General Secretary of All India Union Forest Working People (AIUFWP) and her deputy Mrs. Sukalo Gond were arrested and imprisoned for several months, just hours before they were scheduled to participate in a new national land rights campaign to protect the rights of indigenous peasants. This is only one example for many other arrests or threats by Indian security officials.

Society for Threatened Peoples calls on the Human Rights Council to urge the Government of India to ensure thetprotectinn protection of land rights of its peasants and to stop any harassment of land rights activists.
tthe protection of peasants and human rights activists.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

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Please recycle

Ongoing oppression of minorities in Sri Lanka

I. Executive Summary

The new Sri Lankan government elected in January 2015 has made some positive achievements regarding human rights. But the oppression of the Tamil minority is still going on. The situation of Tamils in Sri Lanka did not really improve. Also the culture of impunity did not stop. Tamils are still being abducted, tortured and sexually abused by the security forces. A growing concern is the economic development and the exclusion of local communities, especially minorities, from it. Tourism projects for example violate the human rights of the local communities. The latter hardly benefit from the tourism industry.

II. Situation of Tamils in 2015

The Tamil part of the Sri Lankan population overwhelmingly voted for Maithripala Sirisena at the Presidential Election in January 2015. They believed that through a change of government their difficult situation would improve. Sirisena promised in his manifesto to ensure the protection of human rights. The new Sri Lankan government improved the dialogue on human and minority rights, but most improvements unfortunately remain on paper so far. The Government of Sri Lanka (GoSL) has not abolished the draconian Prevention of Terrorism Act (PTA) which allowed security forces to arrest people without charge. The investigation on disappeared people does still not focus on truth and justice but on compensation. Militarization, especially in the North, remains high. The military became very active in the private sector. Tamil journalists who criticize police and security forces are being harassed, intimidated and disrupted in their work. Returning Tamils from abroad continue being arrested at the airport. The surveillance of the civil society in the North and East is remaining high. No political solution is in sight nor has there been a credible process aiming at a solution for the Tamil question.

Land issues in Tamil dominated areas

A lot of land in Tamil dominated areas is still occupied by the military. Many Tamils are waiting to return to their original land. Some, like the former inhabitants of Kankesanthurai, have been displaced for since 25 years. It is quite disturbing that in Kankesanthurai the army is running a tourist-hotel. Parts of the occupied land have been released. But even the resettlement process is deceptive because the inhabitants are being subjected to military encampment. The Tamil returnees in Valalai, which was part of the High Security Zone on the Jaffna peninsula also have no sanitary facilities, no drinking water and no toilet. While they were allowed to go back, it was as if the message was "go/return at your own expense and risk". They need basic home-based sanitary facilities, especially for the women and girls in order to achieve a basic level of dignity in their renewed lives.

III. Ongoing Abductions, Torture and Sexual Abuse in 2015

Independent reports revealed that even under the new government abductions, torture and sexual abuse by the security forces continue. Government officials have confirmed the past existence of "white van" abductions by the security forces. They claim that they have put an end to "the white van culture". However, at least eight cases of torture since the presidential election in January 2015 have been reported. Human rights organisations assume that the real number is much higher. The documented cases occurred in the North as well as in the capital. The tortured witnesses described a familiar pattern of abduction in "white vans" as during the time of the former regime. The escaped victims state that their families have been questioned and harassed after they left the country. The GoSL did not put an end to the culture of impunity so far.

IV. Tourism and Human Rights

Sri Lanka is a booming tourist destination. In 2014, 1.5 million people visited the island. Unfortunately, the local communities hardly benefits from the increasing number of tourists. Fishermen already lost their jobs or are at a high risk to lose their livelihood due to tourism projects. There has also been landgrabbing for tourism purposes.

Security Forces and tourism

The military is focusing on tourism with the army, navy and air force opening hotels and increasingly offering tourist activities. In September 2014, Hewawithanage Laal Perera, Lieutenant Commander of the Eastern province, asserted at

a meeting the armed forces' intention to manage over 150 hotels all over the country in the years to come. The provision of tourism opportunities by the military is highly problematic because it deprives the local population of an important source of income. Members of the military working in tourism receive their salaries directly from the military department. In return, the military sector secures a lucrative additional income through the tourism sector and is thus able to provide packages at lower prices than the private sector. The employees present themselves quite openly as members of the military, with some even wearing uniforms. The profits made from these tourist deals present a further concern because of the lack of transparency regarding their use.

Local communities and tourism

The GoSL has chosen three areas where tourism should be particularly promoted: Kuchchaveli, Passikudah and Kalpitiya. These areas are ethnically very diverse and were rarely frequented by tourists during the civil war. In all three regions even the government's low development standards have scarcely been implemented. Environmental and social impact assessments take place only sporadically. Little is known about the findings. The local population is not consulted about the planning of tourism projects. Hotels and resorts block access to the sea, thus massively encroaching on the livelihood of local fishermen and enables them to continue their traditional way of living. Land grabbing became more frequent. Only a small part of the local population is able to make a living from tourism, since the majority of hotel employees is coming from other Sri Lankan regions. No educational opportunities exist for the local population to cater to the needs of the hotels. Public facilities have had to make way for tourism projects.

V. Key Findings

The oppression of the Tamil minority in Sri Lanka keeps going on. Under the new government the situation of the Tamils has not really improved. Even cases of abduction, torture and sexual abuses by the security forces continue to occur. The GoSL did not end the culture of impunity.

The tourism development results in human rights violations. The minorities are being excluded from development. The coastal communities in the North and East are in great danger to lose or already lost completely their livelihood. Also land has been grabbed for tourism projects.

VI. Recommendations

Society for Threatened Peoples calls on the Human Rights Council to call on the GoSL to address the needs of Tamils for a real reconciliation process and a peaceful solution of the conflict.

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status

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Please recycle

Right to Development and the Post 2015 Sustainable Development Agenda

Associazione Comunità Papa Giovanni XXIII welcomes the Consolidated report of the Secretary General and High Commissioner for Human Rights, delivered at the 30th regular session of the Human Rights Council.

In particular, we welcome the work of OHCHR to integrate all human rights, including the right to development, into the post 2015 sustainable development agenda as well as into the two other main international development processes of 2015, namely the Third International Conference on Financing for Development held in July in Addis Ababa and the United Nations Climate Change Conference, to be held in Paris in December.

The process of setting the Post 2015 Sustainable Development Agenda will reach its conclusion at the end of September 2015 when the UN member States will gather in New York to adopt in the GA Summit the new agenda with a solemn declaration. The finalised text for adoption published on the 1st of August and entitled "Transforming our world: the 2030 Agenda for Sustainable Development" is the result of over two years of intensive public consultation and engagement with civil society and other stakeholders around the world. Such a document, if adopted, appears truly to set an agenda of unprecedented scope and significance that "is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law and is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome Document. It is also informed by other instruments such as the Declaration on the Right to Development[1]".

In 2016, the international community will mark the thirtieth anniversary of the United Nations Declaration on Right to Development, a declaration that lags very much behind in its implementation!

It will be a great sign given to the world to adopt a sustainable development agenda that is animated by the vision of Right to Development and can create an opportunity to evaluate the progress made to date in its realization. In fact, the Right to Development provides an integrated, holistic and cohesive normative framework for achieving just and equitable development for all people. It encompasses both the civil and political and the economic, social and cultural dimensions of human rights and addresses both the national and international dimensions of development.

Indeed, if the Post-2015 agenda were not set on the vision of the right to development, it will be a great loss for all people struggling for development.

APG23 hopes that the Member States of the United Nations will adopt - and take forward with determination the outcome document at the forthcoming Summit in New York.

As UN Secretary-General Ban Ki- Moon strongly stated in his Synthesis Report on the Post-2015 Agenda,[2] "The defining challenge of our time is to close the gap between our determination to ensure a life of dignity for all on the one hand, and the reality of persisting poverty and deepening inequality on the other".

We believe that closing that gap, can be achieved only if the Post-2015 Agenda is inextricably linked to the proposed Sustainable Development Goal 17: "Strengthen the means of implementation and revitalize the global partnership for sustainable development"[3].

Most importantly, a renewed global partnership for sustainable development can only be effective by putting the human being at its centre and taking into account the well-being of the person, and of all people, in different life situations: economic, social, political, cultural, ecological and spiritual. This is the spirit of the United Nations Declaration on the

[1] Transforming our world: the 20130 Agenda for Sustainable Development Finalised text for adoption (1 August)
[2] The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet – Synthesis Report of the Secretary General on the Post-2015 Agenda, New York, December 2014, paragraph 67.
[3] Transforming our world: the 20130 Agenda for Sustainable Development Finalised text for adoption (1 August)

Right to Development, which in Article 2 identifies the human person as the "central subject of development". It is also the vision of the Social Teaching of the Catholic Church that promotes integral human development.

The Right to Development and International Solidarity must be the basis of all coherent action needed to address root causes of rising global inequality and injustice. "A firm and persevering determination to commit [ourselves] to the common good, to the good of all and each individual"[4] is very much needed.

We are currently witnessing a movement of refugees and other forced migrants of historic proportion. In fact, "boat people" and so many of those migrating for economic reasons are persons who, risking their life, are desperately exercising their individual right to development in the only "practical " way available to them. Yet, the international community and the majority of countries of transit and destination fail to recognise this sufficiently and instead focus first, predominantly and so expensively in protecting their borders.

Rampant poverty, mass unemployment, growing inequality within and between countries, environmental degradation, an out-of-date international economic order, unsustainable patterns of consumption and production, armed conflicts, increased violent extremism and terrorism are all signs of the failure of the international community to advance peace and security, human rights and development, which all come together in the right to development. Indeed, for millions of people around the world, the right to development remains most and around a mere political commitment, and a distant hope.

Thus, we call upon the Members States to assure that the proposed Sustainable Development Goal 17 will be included in the final Post-2015 Agenda, and that the renewed global partnership for sustainable development will be inspired by the Right to Development as well as the concepts of Integral Human Development and International Solidarity.

Finally, we call upon the Members of the Open Ended Intergovernmental Working Group on Right to Development to end playing the political power game and overcome the inhibiting polarization of the debate on Right to Development that places the developed countries and the developing world on opposing sides. Given the importance of the implementation of the Right to Development to all peoples and countries in the word, the Working Group should focus on the search of what is the common good for all humanity and speed up the process of refining the criteria and operational sub-criteria for the implementation of right to development.

As the former High Commissioner for Human Rights rightly said on the occasion of the 25th anniversary of the Declaration on Right to Development,[5] "In an increasingly interdependent world, we need responsible diplomacy and principled global governance based on shared duties and the mutual accountability of both developed and developing countries in a spirit of international cooperation, partnership and solidarity. We have a solemn responsibility to make the right to development a reality for everyone, everywhere, so that all can enjoy freedom from want and freedom from fear".

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[4] Saint John Paul II, Sollicitudo Rei Socialis, paragraph 38.

[5] 25 years of the right to development - Achievements and Challenges: Statement by the United Nations High Commissioner for Human Rights, Ms Navathan Pillay, Berlin, 24 February 2011

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Federacion de Asociaciones de Defensa y Promocion de los Derechos Humanos, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Illegal exploitation of natural resources in Western Sahara
A violation to economic rights and a threat to peace

Facts of the illegal exploitation:

Oil:

San Leon Energy plans to begin drilling onshore, including in the capital city occupied El Aaiun, this month (August 2015).

Kosmos Energy and Cairn Energy are currently drilling offshore Boujdour.

Total, Teredo Oil and others have signed (with the Moroccan state oil company ONHYM) for offshore blocks further south.

ONHYM is carrying out exploration onshore Boujdour.

Phosphates:

Total exported volume of Phosphate from Western Sahara in 2014 was estimated at 2.1 million tonnes, with an estimated value of $230 million.

The Canadian company Agrium Inc and the Lithuanian company Lifosa AB accounted for 58% of all purchases from Western Sahara in 2014.

Of the nine identified importing companies in 2014, five are listed on international stock exchanges or are majority owned by enterprises which are listed. All have been subject to ethical blacklisting for their practices.

Fisheries:

94% of licenses for traditional fishing are awarded to Moroccan settlers, whilst large trawlers are now dominating the fisheries, causing significant damage to ecosystems and the environment and using unsustainable methods that threaten stocks.

EU member states benefit from Saharawi fisheries via the illegal EU-Morocco Fisheries Agreement. Several other foreign governments also profit from the plunder.

Agriculture:

There are at least 11 agricultural sites in the region of occupied Dakhla, all owned by the Moroccan king, Mohamed VI, powerful Moroccan conglomerates or French multinationals.

60,000 tons of agricultural products were exported from Dakhla in 2010.

95% of the tomatoes, cucumbers and melons produced in occupied land reach foreign markets labelled as Moroccan products, which is an additional fraud from the Moroccan or other foreign producers.

Renewable energy:

Morocco plans to build over 1000 megawatts of renewable energy (solar and wind) plants in Western Sahara.

As of today, the energy production from solar and wind sources in Western Sahara constitutes at most 5.5% of Morocco's total energy production from renewable sources.

By 2020, the amount could be increased to an astonishing 26.4%.

Right to natural resources:

The Saharawi people's right to their natural resources is a Human Right, Article 1 of the International Covenant on Civil and Political Rights ICCPR (of which Morocco is a state party):

"[a]ll peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."

Exploitation of natural resources without the consent of the Saharawi people:

Contravenes the Geneva Convention on the treatment of natural resources in an occupied territory and therefore constitutes the war crime of plunder

Directly undermines the UN peace and decolonisation process.

Contravenes the UN's legal opinion of 2002 on the matter ("...if further exploration and exploitation activities were to process in disregard of the interests and wishes of Western Sahara, they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self Governing Territories" (UN Doc.S/2006/161)

Helps to financially maintain and strengthen the Moroccan occupation

Show complicity in human rights abuses. Saharawis in the Occupied Territories are being subject to grievous human rights violations for protesting against companies involved in the exploitation of resources and the UN's inaction on the matter.

Requests for OHCHR

Clear condemnation by the UN relevant bodies of the specific companies' involved in resource exploitation.

An urgent denunciation of San Leon Energy plans to exploit Oil in the occupied zones is required.

A mandate for MINURSO to monitor foreign exploitation of natural resources and human rights abuses in occupied Western Sahara.

Refuse participation of companies involved in natural resource exploitation in occupied Western Sahara in the UN Global Compact.

Further Reading

On the fisheries exploitation: Saharawi Natural Resources Watch (OSRN), Poor People in a Rich Country, 2013, http://www.wsrw.org/files/dated/2013-11-26/snrw_report_eng2013.pdf (to read the full and exhaustive report in Arabic: http://www.sadr-emb-au.net/wp-content/uploads/2013/12/SNRW_Report_On_Fisheries_Arabic28.pdf)

On the phosphates: Western Sahara Resource Watch (WSRW), P for Plunder, March 2015, http://wsrw.org/files/dated/2015-03-11/p_for_plunder_2014_web.pdf

On the renewable energy: Dirty Green March, August 2013, http://www.wsrw.org/a217x2638

On the oil: A Platform for Conflict, October 2014, http://www.wsrw.org/files/dated/2014-10-16/a_platform_for_conflict_web.pdf

On the agricultural produce: Label and Liability, June 2012, http://www.wsrw.org/a214x2321